

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:11-CV-270-H-KS

UNITED STATES ex rel. RICKEY )	
HOWARD, )	
) )	
Plaintiff, ) )	
) )	
v. ) )	
) )	<b>ORDER</b>
CADDELL CONSTRUCTION )	
COMPANY, INC., an Alabama )	
Corporation; W.G. YATES & SONS )	
CONSTRUCTION COMPANY, a )	
Mississippi Corporation; and JULIAN )	
MARIE BRESLOW, )	
) )	
Defendants. ) )	

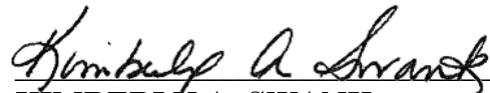
This matter is before the court on Plaintiff-Relator's Motion for an Order Directing Personal Service of a Deposition Subpoena by the U.S. Marshal [DE #215]. Due to the impending discovery deadlines in this action, the court ordered expedited briefing on Plaintiff-Relator's motion. Defendant W.G. Yates & Sons Construction Company responded in opposition, and Plaintiff-Relator replied. The deadline for further filings having expired without further response, this matter is ripe for adjudication.

For good cause shown, the court GRANTS Plaintiff-Relator's motion.

Upon request by Plaintiff-Relator and submission of a properly completed subpoena commanding the appearance of Mark Smith for deposition and any

required service fees or deposits therefor, the United States Marshal shall serve the subpoena pursuant to Rule 45 of the Federal Rules of Civil Procedure and submit proper proof of service to the court. Plaintiff-Relator shall pay any fees associated with the service or attempted service of the subpoena.

This 26th day of September 2017.

  
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KIMBERLY A. SWANK  
United States Magistrate Judge